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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,927	01/29/2002	Masanori Takeuchi	218958US2	3757

22850 7590 05/22/2009  
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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THEIN, MARIA TERESA T

ART UNIT	PAPER NUMBER
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3627

NOTIFICATION DATE	DELIVERY MODE
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05/22/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 10/057,927</p>	<p><b>Applicant(s)</b> TAKEUCHI ET AL.</p>	
	<p><b>Examiner</b> MARISSA THEIN</p>	<p><b>Art Unit</b> 3627</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 05 May 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit 3627

Continuation of 11. does NOT place the application in condition for allowance because: The arguments are not persuasive. For example, Applicants remark that that Sasaki fails to disclose displaying a request to send data screen for selecting whether to or not to permit the transmission of stored owner information when the transmission of the owner information is selected on the request to send data screen".

Examiner does not agree. The combination of Sasaki and Morrill teaches the recitation above. Sasaki discloses a networked-linked electronic ticket system which comprises a mobile user terminal having a function of purchasing using an electronic ticket, a gate terminal for performing automatic ticket checking of an electronic ticket, a service server for issuing a ticket, an information server for providing information for the mobile user terminal, a digital public network for providing data transmission paths on the network, and a radio telephone base station for connecting the mobile user terminal to the digital public network (col. 4, line 65- col. 5, line 7). The mobile user terminal has an ID transmission mode (col. 7, lines 57-60). The ID transmission mode is a mode for transmitting ID information stored in the mobile user terminal (col. 8, lines 16-18). The ID transmission mode includes a transmission button which the user can press in order to transmit the ID information stored in the mobile user terminal. (Col.8, lines 44-50) The Examiner then turns to Morrill to teach the displaying a request to send data screen for selecting whether to or not to permit the transmission of stored owner information when the transmission of the owner information is selected on the request to send data screen. Morrill teaches the user of cellular telephones to conduct transaction and activities (abstract). The cellular phone functions as an electronic wallet (col. 2, lines 33-34) and includes an LED screen (col. 2, lines 43-44) for displaying purposes. Examiner notes that an electronic wallet is an encrypted storage medium holding user's credit card and other financial information that can be used to complete electronic transactions. Morrill further teaches a transaction, wherein the CPU prompts the user with the cellular telephone to enter an amount and presses "Send". Furthermore, an account code is also entered by the user in order to process the transaction and the user also presses "Send". (Col. 2, lines 45-59)

Such cellular telephone of Morrill functioning as an electronic wallet; cellular telephone includes an LED screen; the transaction, where the CPU prompts the user to enter an amount and presses "Send"; and account code is also entered by the user to process the transaction and user presses "Send" are considered disclose "displaying a request to send data screen for selecting whether to or not to permit the transmission of stored owner information when the transmission of the owner information is selected on the request to send data screen".